

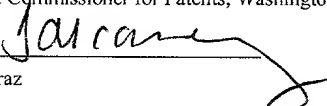
#3

PATENT  
Docket No. 220002060725  
Client Reference 1999-128-7

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EL779889845US Date of Deposit: December 19, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Tamara Alcaraz

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Michael J. MAHAN et al.

Serial No.: 09/928,227

Filing Date: August 9, 2001

For: METHOD OF REDUCING BACTERIAL  
PROLIFERATION

Examiner: To Be Assigned

Group Art Unit: 1645

**PRELIMINARY AMENDMENT**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Prior to examination on the merits, Applicants respectfully request entry of this Preliminary Amendment for the above-captioned application.

## AMENDMENT

### In the Claims:

Please amend claims 11 and 39 as follows:

11. (Amended) The method of claim 1, wherein the agent alters Dam activity of a pathogenic bacteria selected from the group consisting of *Neisseria meningitidis*, *Pasteurella multocida*, and *Shigella spp.*

39. (Amended) The composition of claim 34, wherein the bacteria is a pathogenic bacteria selected from the group consisting of *Neisseria meningitidis*, *Pasteurella multocida*, and *Shigella spp.*

### REMARKS

The above preliminary amendments to the claims are requested to better define the claimed invention. No new matter is introduced by these amendments, and these amendments are not made to avoid prior art.


Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 220002060725.

Respectfully submitted,

Dated: December 19, 2001

By:

  
Shantanu Basu  
Registration No. 43,318

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5995  
Facsimile: (650) 494-0792

VERSION WITH MARKINGS TO SHOW CHANGES MADE

**In the Claims:**

11. (Amended) The method of claim 1, wherein the agent alters Dam activity of a pathogenic bacteria selected from the group consisting of [*Streptococcus pneumoniae*,] *Neisseria meningitidis*, [*Haemophilus somnus*, *Actinobacillus pleuropneumoniae*,] *Pasteurella multocida* [, *Mannheimia haemolytica*, *NT Haemophilus influenzae*, *Helicobacter pylori*] and *Shigella spp.*

39. (Amended) The composition of claim 34, wherein the bacteria is a pathogenic bacteria selected from the group consisting of [*Streptococcus pneumoniae*,] *Neisseria meningitidis*, [*Haemophilus somnus*, *Actinobacillus pleuropneumoniae*,] *Pasteurella multocida* [, *Mannheimia haemolytica*, *NT Haemophilus influenzae*, *Helicobacter pylori*] and *Shigella spp.*